

#29

PATENT

Docket No. 246472001600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the application of:

Alfred SCHMIDT et al.

Serial No.: 09/646,355

Filing Date: September 18, 2000

For: MEDICAMENT FOR PREVENTING
AND/OR TREATING A MAMMARY
CARCINOMA, CONTAINING A
STEROIDAL AROMATASE
INHIBITOR

Examiner: San-ming R. Hui

Group Art Unit: 1617

Appeal No. 2004-2105

APPELLANTS' REQUEST FOR RESCHEDULING OF ORAL HEARING

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Appellants respectfully request that the oral hearing for this appeal be rescheduled to a date after the currently set hearing time of 9:00 a.m. on January 11, 2005. Appellants attach hereto their notice confirming attendance at the oral hearing subject to this request for rescheduling.

The undersigned attorney has personally handled this application at all stages of its prosecution in view of appellants' limited financial resources. Quite coincidentally to the scheduling of the hearing in this appeal, the undersigned received by mail only this morning a notice of the setting of oral argument by the Court of Appeals for the Federal Circuit for 10:00 a.m. on January 11, 2005, in another one of his cases, *In re Fujimura*, CAFC Appeal No. 04-1244. The undersigned must present oral argument to the Federal Circuit as well, creating a

scheduling conflict. Delegating the oral argument of this appeal to another attorney would require that attorney to expend hours of time learning the case in order to present oral argument, thus costing appellants and their small company to expend resources unnecessarily. The undersigned appreciates the Board's setting of the hearing in this appeal, but he must respectfully request that the hearing be rescheduled the minimum amount of time allowable, even to the afternoon of the same day or the following week, in order to resolve this conflict. The undersigned stands ready to discuss any proposed hearing dates in order to ensure that the next scheduled hearing date will stand.

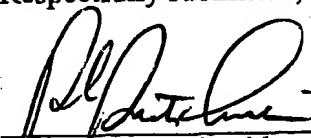
Early action granting this request and rescheduling the oral hearing of this appeal is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, appellants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 246472001600.

Respectfully submitted,

Dated: November 29, 2004

By:


Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22012-3915
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MORRISON FOERSTER LLP

Paper No: 0

5281

Barry E. Bretschneider
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McLean, VA 22102

Appeal No:
Appellant:
Application No:
Hearing Room:
Hearing Docket:
Hearing Date:
Hearing Time:
Location:

2004-2105
Alfred Schmidt et al.
09/646,355 ✓
B
A
Tuesday, January 11, 2005
9:00 AM
WATSON BUILDING EAST WING
100 DUBLIN STREET
ALEXANDRIA, VIRGINIA 22313-1450

NOTICE OF HEARING

CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47.

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up.

The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI HEARINGS FAX No:

(571) 273-0300
USPTO Central Fax No.
(703) 872-9306

Paralegal Specialist
Dianne E. Maggard
(571) 272-4634

BPAI Mailing Address:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

☒ HEARING ATTENDANCE CONFIRMED *
☐ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

11/29/04

Registration No.

28,055

Names of other visitors expected to accompany counsel:

*Subject to request for rescheduling
filed concurrently herewith.

MAILED

NOV - 8 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

MORRISON & FOERSTER LLP

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NAME:	FACSIMILE:	TELEPHONE:
Ms. Dianne E. Maggard Board of Patent Appeals and Interferences	(571) 273-0300 571-273-0299 or 571-273-0042	(571) 272-4634
U.S. Patent and Trademark Office Central Fax No.	(703) 872-9306	

FROM: Barry E. Bretschneider

DATE: November 29, 2004

Number of pages with cover page: 4	Originals Will Not Follow
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Preparer of this slip has confirmed that facsimile number given is correct: 5547/BEB4**CAUTION - CONFIDENTIAL**


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Comments:

Re: Appeal No. 2004-2105
Serial No. 08/646,355
My Ref: 24647-20016.00

Dear Ms. Maggard,

Thank you very much for your kind advice on the phone earlier this afternoon. Please find attached Appellants' Request for Rescheduling of Oral Hearing as well as appellants' confirmation of attendance at the oral hearing, subject to the request to reschedule. Please contact me directly to discuss anything relevant to this request, as I will do whatever I can to deal with this matter reasonably.

Respectfully submitted,

Barry E. Bretschneider
Reg. No. 28,055